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Bayer Corporation
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100 Bayer Road
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In re Application of SCHMALSTIEG et al
U.S. Application No.: 10/019,578 :
Int. Application No.: PCT/EP00/05392 :
Int. Filing Date: 13 June 2000 :
Priority Date: 25 June 1999 :
Attorney Docket No.: Mo6862/LeA 33,590 :
For: CONDENSATION CROSS-LINKING
POLYURETHANE MATERIALS
CONTAINING SPECIAL AMINOSILANES,
A METHOD FOR THE PRODUCTION
THEREOF AND THEIR USE

DECISION

This is in response to the communication filed 21 December 2001, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 13 June 2000, applicant filed international application PCT/EP00/05392, which claimed priority of an earlier Germany application filed 25 June 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 04 January 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 18 December 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 December 2001 (25 December 2001 was a holiday).

On 21 December 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

In the present case, the declaration filed 21 December 2001 is signed by the heir of Ulrich Walter, who according to the declaration is deceased. The declaration is accompanied by certified document which states that Marie-Hélène Marie-Ange Christiane Walter is the sole heir of Ulrich Walter.

The submission of the declaration executed by the sole heir of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by the applicable law to be appointed, and thus the sole heir is signing as the legal representative of the estate. If this interpretation is incorrect, applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

CONCLUSION

For the reasons above, the papers filed 21 December 2001 are ACCEPTED under 37 CFR 1.42.

The application has an International Filing Date of 13 June 2000 and a date under 35 U.S.C. 371 of 21 December 2001.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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